

William Henriquez, Id.#08A4127
Sing-Sing C.F.
354 Hunter St.
Ossining, N.Y. 10562

Alvin K. Hellerstein
U.S. District Court Judge
Southern District
U.S. Courthouse
500 Pearl Street
New York, N.Y. 10007

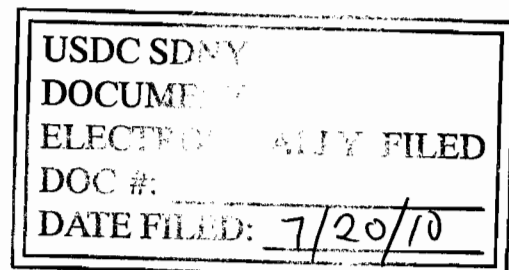
Re: USMS#55142-054; CR#05-CV-185
Seeking Once Again Your Assistance

Request denied
7-15-10
Alvin Hellerstein

Dear Your Hon. Hellerstein:

Once again I find myself writing to you in order to once again respectfully request your assistance. On June 30, 2010, Jose A. Santana, Chief of the U.S. Dept. of Justice Designation and Sentence Compuattion Center wrote me and inform me that a "nunc pro tunc designation was not appropriate in my case" with respect to giving me credit for the time I am serving in the New York State towards my pending federal sentence. (See herein included Exhibit A).

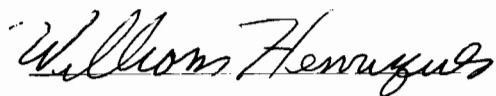
Please your Hon. Hellerstein I am humbly asking if you can please help me get tranfer to the U.S. Federal Bureau of Prsions for me to commence my federal sentence since the time I am now doing in the State of New York won't be credited toward my federal sentence.



If you remember, my New York State sentence was to run concurrent with my federal sentence [but not the other way around] and whatever time I do in the State of New York won't be credited toward my federal sentence according to Mr. Santana's recent letter.

Please accept once again Your Hon. Hellerstein my most sincere and humble gratitudes for all your time and thank you!

Respectfully Yours,

A handwritten signature in cursive script, appearing to read "William Henry".



U.S. Department of Justice
Federal Bureau of Prisons

Designation and Sentence Computation Center

U.S. Armed Forces Reserve Complex
346 Marine Forces Drive
Grand Prairie, Texas 75051

June 30, 2010

William Henriquez
State No. 08A4127
Federal Reg. No. 55142-054
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562

Dear Mr. Henriquez:

This is in response to your correspondence in which you request your federal sentence be computed to run concurrent to your state sentence. Title 18 U.S.C. § 3585(b), prohibits the application of credit for time that has been credited toward another sentence. However, as a result of the decision in Barden v. Keohane, 921 F.2d 476 (3rd Cir. 1990), the Bureau of Prisons (Bureau) considers an inmate's request for credit in such a case as a request for a retroactive (concurrent) designation.

We have reviewed the merits of your case in accordance with the factors provided in Title 18 U.S.C. § 3621(b); specifically, (1) the resources of the facility contemplated, (2) the nature and circumstances of the offense, (3) the history and characteristics of the prisoner, (4) any statement by the court that imposed the sentence, and (5) any pertinent policy statement issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28.

Accordingly, we have determined the relevant factors under 18 U.S.C. § 3621(b) are (2), (3), and (4). Under factors (2) and (3), your current federal and state offenses, as well as your criminal history were considered. Those offenses include, but are not limited to, Robbery, Manslaughter, Sale of a Controlled Substance and Illegal Reentry.

Under factor (4), the federal Judgment in a Criminal Case was silent as to whether your sentence should run consecutively or concurrently to any other sentence. Pursuant to Title 18 U.S.C. § 3584, "multiple terms of imprisonment imposed at different times run consecutively unless the court orders that the terms are to run concurrently." Nevertheless, the federal

sentencing Court was contacted for a statement concerning its position on a retroactive designation. In response, the Court indicated that it took no position on this issue.

Based on a review of the above factors, we have determined that a *nunc pro tunc* designation is not appropriate in your case. As such, upon release from state custody, you will be transferred to federal custody for service of your federal sentence. Your federal sentence will be computed at that time.

I trust this response has addressed your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. A. Santana', written in a cursive style.

Pol Jose A. Santana
Chief

klc

cc: Jessica A. Masella, AUSA
Veronica M. Dignam, USPO

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

The undersigned, William Henriquez has on this _____ day of _____, 2009 placed in the Sing Sing Correctional Facility's mail box a true and exact copy of Letter asking for help for me to get tranfered to the U.S. Bureau of Prisons served by First Class Mail, via United States Postal Service to the following persons:

Hon. Alvin K. Hellerstein
U.S. District Court Judge
Southern District
500 Pearl St.
New York, N.Y. 10007

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XXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

William Henriquez
William Henriquez
Sing Sing Correctional Facility
354 Hunter Street
Ossining, N.Y. 10562

Sworn to before me this 2010
13 day of July, 2009

[Signature]
NOTARY PUBLIC

WILLIAM HILL
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01H16097838
QUALIFIED IN Westchester COUNTY
MY COMMISSION EXPIRES 2012